

Seattle Human Rights Commission

Meeting Minutes

Thursday February 2, 2012, 6:00–8:00 p.m.
City Hall - Boards and Commissions Room

<u>Commissioners Present:</u>	Jessica Andrade, Jesse Aspuria, Damien Carter, Nika Dahlbacka, Joshua Marshall, Marsha Mavunkel, Andrea Negrete, Mariah Ortiz, Merri Ann Osborne, Marty Penner, Mica Powers, Greg Ramirez, Roslyn Solomon, Christopher Stearns, Jennifer Yogi
<u>Commissioners Absent:</u>	Michael Plengrat
<u>SOCR Staff Present:</u>	Felicia Yearwood, Michael Chin, Julie Nelson, Jacque Larrainzar
<u>Guest Speakers:</u>	Pete Holmes, Seattle City Attorney
<u>Call to Order:</u>	The meeting was called to order at 6:00 p.m.
<u>Approval of Minutes:</u>	January 2012 minutes were approved as read
<u>Public Comment:</u>	<p>Robert Jackson (Quinault): Due to their status as independent nations, the tribes have a right to intervene in the anticipated consent decree between the U.S. government and the City of Seattle.</p> <p>Sherry Day: Concerned about the DOJ failure to issue a finding of discriminatory policing despite a finding that 51% of excessive force cases involved people of color</p> <p>Rev. Harriett Walden: The DOJ finding validates the decades long work of Mothers for Police Accountability. Encouraged the Commission to remain vigilant for the long term even after media attention has turned away from police accountability.</p>
<u>Chair's Report:</u>	Chris Stearns and Mariah Ortiz attended a training based on the film, "Race: the Power of an Illusion." Chris recommends the training for all commissioners.

Guest Speaker:**Pete Holmes, Seattle City Attorney**

Police Accountability Issues:

- DOJ report resulted in two findings :
 - Pattern or practice of excessive use of force
 - Concerns but no finding of racially based policing
- A complaint will likely be filed, resulting in either a memorandum of understanding or a consent decree, with or without a monitor.
- The Mayor and Police Chief are leads. Council Members Clark, Harrell, and Burgess are the point persons for the Council.
- SHRC and OPARB can play a key role by soliciting community input; encouraging use of the [Charter for Compassion](#) in negotiations with DOJ; and engaging with Council.

Contracts with outside counsel:

- Stafford Frey Cooper held a no bid, exclusive contract to defend all SPD police action cases for forty years. The City paid \$1.8 million in fees to Stafford Frey in 2011. Now legal work representing police officers is open to bids. City approved three firms for contracts, which will take cases when the City Attorney has a conflict, overflow attorneys are needed, or the City has charged an officer.
- The Malaika Brooks case was until very recently still at Stafford Frey. Malaika Brooks was cited for speeding 32 in a 20 mile zone. She refused to sign the speeding ticket; refusal was a misdemeanor at the time, but has since been decriminalized by the legislature. The officers asked her to get out of her car. She refused. She was seven months pregnant, and told the officers so. The officers tasered her three times within 42 seconds. They pulled her out of the car, put her on the ground, and handcuffed her. An *en banc* 9th Circuit panel held that Brooks stated a claim against the officers for excessive force, but they were entitled to qualified immunity because they did not violate the police procedures that were in force at that time. Thus the City was not liable for damages and the City Attorney decided not to appeal further. However Stafford Frey consulted with the officers involved and continued to appeal the case to the US Supreme Court. The City Attorney reasons that Stafford Frey was obligated to withdraw from representing all parties when the conflict regarding whether to pursue further appeals arose between the City and the officers.
- Having the City Attorney defend police officers provides an opportunity to learn about patterns of abuse. Hired two new attorneys experienced in police actions. Outside counsel paid hourly has little incentive to encourage officers to change their behavior.

News:

- New precinct liaison program is being instituted in all four precincts. All four attorneys are going to boot camp. Will be available to advise officers on lawful arrests, when they can and cannot detain an individual.
- Used RSJI analysis to identify disparate impact, leading to reduced emphasis on marijuana possession and driving with a suspended license.

Two books recommended:

- “[The New Jim Crow](#)” by Michelle Alexander on mass incarceration of blacks in America, which results in stripping of legal rights and permanent second class status.
- “Breaking Rank,” by Norm Stamper on the militarization of police departments since 9/11, e.g., use of SWAT techniques. [Stamper at Seattle's Town Hall on March 22nd](#)

SOCR report:

Michael Chin reviewed a power point presentation on paid sick and safe leave. SHRC will hear appeals under the new ordinance. Michael encouraged commissioners to review the ordinance and provide feedback, particularly on needed clarification, outreach opportunities, and helpful resources.

Committee Reports:

Appeals: Jennifer Yogi and Chris Stearns will hear the case of Taylor v Melton with the Hearing Examiner on February 15, 2012. An ordinance extending the time of review for appeals from sixty to ninety days has been submitted to the law department for review.

Law and Policy Analysis: Greg Ramirez, Chris Stearns, Joshua Marshall, and Jennifer Yogi met with CM Harrell to discuss ways to address differential treatment of individuals with arrest and conviction records in housing and employment. Several proposals are being considered, including “ban the box” for arrest records, separate rules for misdemeanors and felonies, and different ordinances for housing and employment.

Human Rights Analysis Tool: Intern HazelRuth Adams has been reviewing work done in other cities, whose human rights organizations have different missions and organizational structures. Most include an appellate function. Merri Ann Osborne is reviewing the Commission's mission statement, which has been revised in the past several years.

Commission History Project: Intern Jung Lee has found the original mission statement and annual reports, which were published until 1988. Now researching issues by subject and comparing to other commissions. Past issues included housing, employment, crisis intervention, and excessive use of force by the SPD. Jung will interview prior commissioners for highlights of their service and their views of the commission's future. The Seattle Archivist is interested in getting a videographer to capture the interviews. Merri Ann Osborne will draft a budget for costs associated with the research.

Nominating: Joshua Marshall, Marsha Mavunkel, Mariah Ortiz, and Andrea Negrete volunteered to serve on the Nominating Committee. Five vacancies are anticipated as commissioners terms expire in July.

New Business

All Commissioners were invited to attend the Five Commission meeting on February 8, 2012 to discuss planning and scope of a future public forum on Hate Crimes.

A question arose whether the appeal rules should be available on or linked from the SHRC website. Felicia Yearwood will confer with appeals committee.

Marsha Mavunkel and Andrea Negrete will attend the Immigrant and Refugee Commission meeting to discuss possible action on behalf of Al Okere, who faces deportation to Nigeria.

The Rapid Response Team is asked to monitor developments in the outdoor feeding program and HB2251, which would repeal a McCarthyesque state law.

Adjourned at 8:07